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February 13, 2006

TO: Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attn: Art Unit 2874 - Examiner Rojas, Omar R

FROM: George O. Saile, Reg. No. 19,572  
28 Davis Avenue  
Poughkeepsie, N.Y. 12603

SUBJECT: Serial #: 10/822,201  
File Date: 04/09/2004  
Inventor: My T Doan  
Examiner: Rojas, Omar R  
Art Unit: 2874  
Title: VLSI-Photonic Heterogeneous Integration by Wafer Bonding

### RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the Election of Species Requirement in the Office Action dated Jan. 11, 2006. In that office action, applicant was required under 35 U.S.C. 121

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Feb. 13, 2006.

Signature   
Stephen B. Ackerman, Reg. No. 37,761

Date: Feb. 13, 2006

to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable, and that currently Claims 1, 26, 31 and 51 appear to be generic.

The species stated are:

- a) The species of Figures 1-7, and
- b) The species of Figure 8, and
- c) The species of Figures 9-16, and
- d) The species of Figures 17-19, 20a-27a and 20b-27b, and
- e) The species of Figures 28, 29, 30a and 30b.

Applicant provisionally elects to be examined the species described by the Examiner as Group a.), which reads on Claims 1-12, 24, 25, 31-39, 49 and 50. This election is made with traverse of the requirement under 37 C.F.R. 1.143 for the reasons given in the following paragraphs.

The Examiner is respectfully requested to reconsider the Requirement for Election of Species given in the Office Action, because of the increased costs applicant would be forced to bear if the multiple species are separately examined. Furthermore, the field of search must necessarily cover all species, in addition to other related Classes and subclasses, to provide a complete and adequate search.

Withdrawal of the Election of Species Requirement, and allowance of the present Patent Application, is therefore respectfully requested.

It is requested that should there be any problems with this response, please call the undersigned Attorney at (845) 452-5863.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'SBA', with a stylized flourish at the end.

Stephen B. Ackerman, Reg. No, 37,761  
(845) 452-5863